

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Promote Competition in Maine's Electric Industry**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 35-A MRSA §2102, sub-§1**, as amended by PL 2003, c. 505, §28, is further amended to read:

**1. Approval required.** Except as provided in ~~subsection~~subsections 2 and 4 and in section 4507, a public utility may not furnish any of the services set out in section 2101 in or to any municipality in or to which another public utility is furnishing or is authorized to furnish a similar service without the approval of the commission. The commission may condition approval upon the submission of a bond or other financial security if the commission determines that such a requirement is necessary to ensure that a public utility has the financial ability to meet its obligations under this Title.

**Sec. 2. 35-A MRSA §2102, sub-§4** is enacted to read:

**4. Construct, maintain and operate lines.** A person may construct, maintain and operate electric lines in the manner and with the authority of a transmission and distribution utility in a municipality in which a transmission and distribution utility is authorized to serve if the transmission and distribution utility is affiliated with a person who owns or operates a source of electrical generation in the State.

**Sec. 3. 35-A MRSA §2305-B, sub-§2**, as enacted by PL 2001, c. 110, §2, is amended to read:

**2. Persons other than transmission and distribution utilities.** Except as provided in section 2102, subsection 4, a person other than a transmission and distribution utility may not construct or maintain electric lines, including poles or other related structures, in, upon, along, over, across or under a road, street or other public way unless:

A. The person satisfies the requirements of section 2503;

B. The person or the person's contractor hired to construct the line provides to the applicable licensing authority a performance bond:

(1) In the amount of the value of the line, including poles or other related structures, to be located in the public way; and

(2) That is enforceable for one year from the date the line is energized;

C. Prior to constructing the line, the person notifies the transmission and distribution utility in whose service territory the line is proposed to be built of the proposed location of the line; and

D. If a public utility objects to the line on the basis that it may constitute a duplication of existing transmission or distribution facilities or may interfere with the adequate and safe delivery of electricity to others, the commission issues a finding that the line is not a duplication of existing transmission or distribution facilities and does not interfere with the adequate and safe delivery of electricity to others. A finding is not required under this paragraph unless a public utility has objected in writing to the applicable licensing authority.

### **SUMMARY**

This bill allows a person other than a transmission and distribution utility to compete with any transmission and distribution utility that is affiliated with a person who owns or operates a source of electrical generation in the State.